

Paper 159
Entered: March 31, 2009

Mail Stop Interference
P.O. Box 1450
Alexandria, Va. 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Richard E. Schafer)

Human Genome Sciences, Inc.,
Junior Party

(Application 09/042,583-IFW

Inventors: Jian Ni, Reiner L. Gentz,
Guo-Liang Yu and Craig A. Rosen),

v.

Immunex Corp.,
Senior Party
(Patent 6,569,642

Inventors: Charles Rauch and Henning Walczak).

Patent Interference No. 105,380 (RES)

JUDGMENT-PRIORITY

Before SCHAFER, GARDNER LANE and TIERNEY, *Administrative Patent Judges*.

SCHAFER, *Administrative Patent Judge*.

1 A decision denying Junior Party Human Genome Sciences' (HGS)
2 motion for priority has been entered. Paper 158. Accordingly it is
3 appropriate to enter judgment against HGS finally refusing its involved
4 claims.

ORDER

6 It is

7 ORDERED that Claims 287, 289-299, 351-361, 389-403, 431, 432,
8 434-442, 446, 448-458, 507-517, 580-596, 598-607, and
9 623-632 of HGS Application 09/042,583 are finally
10 refused (35 U.S.C. § 135(a));

11 FURTHER ORDERED that a copy of this Judgment and the
12 Decision on Priority (Paper 158) be made of record in the files of
13 Application 09/042,583 and Patent 6,569,642; and

14 FURTHER ORDERED that if there is any settlement agreement or
15 related documents which have not been filed, attention is directed to
16 35 U.S.C. § 135(c) and 37 C.F.R. § 41.205.

/ Richard E. Schafer/ _____)
RICHARD E. SCHAFER _____)
Administrative Patent Judge _____)

/ Sally G. Lane/ _____) BOARD OF PATENT
SALLY G. LANE _____) APPEALS AND
Administrative Patent Judge _____) INTERFERENCES

/ Michael P. Tierney/ _____)
MICHAEL P. TIERNEY _____)
Administrative Patent Judge _____)

cc (electronic filing):

Counsel for HUMAN GENOME SCIENCES, INC:

Richard L. Delucia, Esq.
John R. Kenny, Esq.
KENYON & KENYON LLP
One Broadway
New York, NY 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288
Email: rdelucia@kenyon.com
Email: jkenny@kenyon.com

Counsel for IMMUNEX CORPORATION:

Michael J. Wise, Esq.
PERKINS COIE LLP
1620 26th Street,
6th Floor, South Tower
Santa Monica, CA 90404-4013
Tel: 310-788-3210
Fax: 310-788-3399
Email: mwise@perkinscoie.com

Attorney for GENENTECH
(Interference 105,361):
Oliver R. Ashe, Jr. Esq.
ASHE, P.C.
11440 Isaac Newton Square North
Suite 210
Reston, VA 20190
Tel: 703-467-9001
Fax: 703-467-9002
Email: oashe@ashepc.com